

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PAC TELL GROUP, INC. D/B/A U.S.
FIBERS

Employer

and

Case 10-RC-101166

UNITED STEEL, PAPER, AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
LOCAL 7898

Petitioner

DECISION ON REVIEW AND ORDER

On March 13, 2014, the Board granted in part the Employer's Request for Review of the Regional Director's Supplemental Decision and Certification of Representative as it raised a substantial issue with respect to whether the putative supervisors are supervisors within the meaning of Section 2(11) based on their authority to assign and reward.

The Board has delegated its authority in this proceeding to a three-member panel.

Having carefully examined the entire record with respect to the issues on review, including the briefs on review, the Board has decided to affirm the Regional Director for the reasons stated in his decision.¹

ORDER

This proceeding is remanded to the Regional Director for appropriate action consistent with this Decision and Order.

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

¹ The Employer further contends that, even if these individuals are not statutory supervisors, the alleged conduct of two of them (David Martinez and Jose Lal) was sufficient to constitute objectionable conduct under the Board's standard for third-party conduct. Under that standard, the Board will set an election aside if the objecting party establishes that the alleged conduct was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." Westwood Horizons Hotel, 270 NLRB 802, 803 (1984). Here, the conduct at issue consists of alleged statements by Martinez and Lal suggesting that employees might lose their jobs if they did not support the union. These types of statements are not objectionable under the standard for third-party conduct. See Duralam, Inc., 284 NLRB 1419, 1419 fn. 2 (1987) ("threats of job loss for not supporting the union, made by one rank-and-file employee to another, are not objectionable").

HARRY I. JOHNSON, III, MEMBER

Dated, Washington, D.C., September 22, 2014